

Town of North Smithfield

Planning Board Meeting

Kendall Dean School, 83 Greene Street

Thursday, February 1, 2007, 7:00 PM

Present: Chairman Joseph Cardello, Ed Magill, Bruce Santa Anna, Dr. Lucien Benoit, John Czyzewicz, and John Flaherty. Also present: Michael Phillips, Town Planner and Robert Rossi, Assistant Solicitor.

Call to Order: The Chair called the meeting to order at 7:03 p.m.

I. Approval of Minutes – December 7, December 21 & January 4

Mr. Santa Anna made a motion to accept the minutes of December 7, 2006, December 21, 2006, and January 4, 2007 as written. Mr. Magill seconded the motion, with all in favor.

II. High Rock Condominiums – Preliminary Plan Public Hearing

Major Land Development Project; Applicant: Blackstone Smithfield Corporation

Location: Butler Street, Plat 3, Lots 2 & 2A; Zoning: M (Manufacturing District)

Michael Kelly, attorney for the applicant, stated that although the agenda stated that this is a public hearing, the public hearing had been closed at the end of the last meeting (January 4, 2007). Mr. Kelly addressed the Board on concerns expressed at that meeting

regarding water service to the site. Mr. Kelly stated that the site is serviced by Blackstone and has been provided water by Blackstone for over 50 years. The applicant has been given no notice from Blackstone that this service will be terminated. Mr. Kelly asked the Board to combine preliminary and final plan stages due to the fact that the applicant has met all regulations for both.

Mr. Phillips stated that the applicant did meet all regulations for both preliminary and final. Mr. Cardello, Dr. Benoit, Mr. Santa Anna, and Mr. Magill all stated that they would not be in favor of combining preliminary and final. Mr. Czyzewicz and Mr. Flaherty had no preference.

Dr. Benoit stated that he would like to protect the interests of the town and its citizens. He asked Mr. Kelly if the applicant would agree to a condition that, if for any reason in the future the applicant needed to come to North Smithfield for water, all costs for water service would be covered by the applicant. Mr. Kelly stated that the applicant would agree to that condition, as they are confident it won't ever be an issue.

Mr. Kelly asked if the Board would agree to vote on the Preliminary Plan tonight and have the Final Plan stage be completed administratively by the Planning Department. All Board members stated that they would agree to that.

Mr. Santa Anna made a motion to approve Preliminary Plan Stage of a Major Land Development Project proposed by Blackstone Smithfield Corp., 1 Tupperware Drive, Suite 2, North Smithfield, RI 02896, for property located at North Smithfield Assessor's Plat 3, Lots 2 & 2A in a Manufacturing (M) and REA-120 zone. Said project as depicted on a 13-sheet drawing set prepared by Marc. N. Nyberg and Associates and Paul Gadoury, P.E., with a revision dated of January 17, 2007, a 7-sheet drawing set showing the layout and details for the sanitary sewer, prepared by Vanasse Hangen Brustlin, Inc. (VHB) and a Traffic Impact and Access Study prepared by VHB with the following conditions:

- 1. That the owner/developer will provide documentation on an annual basis to the Town Planner that a minimum of 10% of the project's units comply with the provisions of the Low and Moderate Income Housing Act, Chapter 45.53 and to the extent allowable by law, give preference to current residents of North Smithfield and Blackstone, MA.**
- 2. Carrington Street will be used exclusively for emergency, pedestrian, and bicycle access.**
- 3. The owner/developer will provide an annual report to the Town of North Smithfield detailing the inspection and maintenance of the stormwater management system.**
- 4. The owner/developer will widen Butler Street in accordance with specifications for public roads as determined by the Town of Blackstone, MA.**

5. The existing sewer treatment facility will be abandoned in accordance with RIDEM's Consent Agreement File No.: OC&I/WP/05-01, AAD No.: 01-005/FWE as amended.

6. Sewers shall be installed in accordance with specifications of the Town of Blackstone, MA as detailed on the approved plans prepared by Vanasse Hangen Brustlin, Inc.

7. Compliance with all conditions imposed by the Zoning Board of Review, November 14, 2006.

8. That in the event that Blackstone, MA ever terminates water to this project, and should the developer come back to North Smithfield for water, all costs associated with that will be borne by the owner/developer to include service fees, tie-in fees, and normal rates.

That the approval is made based on the representations of the developer that adequate potable water for the project is and will in the future be supplied to the project by a third party, the Town of Blackstone, MA, and that it is further understood by the developer that the Town of North Smithfield has no obligation, resource, or ability to provide any potable water to the project. It is also understood by the developer that the Town of North Smithfield shall not incur or be held liable for any expense or cost in bringing potable water service to the project even if an adequate source of potable water is found to be available whether currently or in the future.

**Dr. Benoit seconded the motion. Vote of the Board was as follows:
AYE: Mr. Magill, Mr. Cardello, Mr. Santa Anna, Dr. Benoit, Mr. Czyzewicz. Motion passed 5-0.**

Dr. Benoit made a motion that the Final Plan approval may be completed administratively by the Planning Department. Mr. Magill seconded the motion, with all in favor.

III. Rankin Estates – Master Plan Informational Meeting (continued from Jan. 18)

Owner/Applicant: Narragansett Improvement, Inc.

Location: Douglas Pike, Angela Way, Brookside Drive, Leonard Drive & Rankin Path; Plat 14 Lots 17, 19, 20, 29, 31-34, 36, 88, 93, 107, 123, 125, 128, 135, 136, 139, 140, 141, 144, 145, 147, 159, 202 & 242;

Zoning: RA-65 (Rural Agricultural)

Dr. Benoit recused himself because he is an abutter to the property. Mr. Flaherty recused himself because he is still awaiting a formal opinion from the ethics commission on his participation in this application.

The Chair stated that the application is being held in abeyance since the meeting of January 18, 2007, and as such will be taken off the agenda until the applicant gives formal written notice to be placed back on the agenda. Mr. Kelly stated that he will provide written notice two weeks prior to the meeting on which the application will be heard. Mr. Phillips stated that abutters will need renotification because the Public Hearing has not concluded.

IV. Preliminary Plan – Minor Subdivision

Owner: Stanley Mowry, Applicant: Matthew St. Vincent

Location: 490 Grange Road, Plat 19, Lot 59; Zoning: RA-65 (Rural Agricultural)

Kevin Hackman, attorney for Matthew St. Vincent, addressed the Board regarding the request to subdivide a 5+ acre lot. Mr. Hackman stated that he had submitted a plan drafted by Marc Nyberg to Mr. Phillips.

Dr. Benoit pointed out that the plan shows that the existing home on the lot, owned by the applicant's in-laws, has 2 cesspools. He is concerned that neither lot will have an approved ISDS. Mr. Phillips stated that the new lot will have an approved ISDS, and the existing house has, according to a letter submitted by Mr. Nyberg, soil suitable to support an ISDS.

Dr. Benoit stated that he would like an actual soil suitability test conducted and the results submitted to the Board. The other members of the Board agreed with this. Mr. Phillips stated that the requirement for a soil test is not currently in the ordinance, but it is the common practice to have one completed.

Mr. Cardello asked where the proposed well would be located on Lot B. Mr. Hackman stated that it will be located behind the house. It is not on the Nyberg plan, but it is shown on the DEM plan. Mr. Cardello

stated that he wants it shown on the final plan prepared by Marc Nyberg.

Dr. Benoit questioned whether the stone wall on the plan should be cut through. He suggested relocating the driveway to avoid cutting through the wall. After discussion with the applicant, it was determined that the stone wall was not really a wall, just one course of stones. However, Mr. Phillips will make a visit to the site to determine the status of the wall and if the driveway should be relocated.

Before the final plan is approved, the Board requested that the applicant have a soil suitability test completed for Lot A and to note the location of the proposed well on Lot B on the final plan.

Dr. Benoit made a motion to approve the preliminary plan, with the final plan to be completed administratively by the Town Planner after determining the stone wall status, receiving the soil suitability test results for Lot A, and receiving a final plan noting the location of the proposed well on Lot A. Mr. Czyzewicz seconded the motion, with all in favor. Motion passed 5-0.

V. Planning Board Issues & Concerns

Mr. Santa Anna asked about the status of the impact fees study. Mr. Phillips stated that he will be receiving a draft tomorrow, and he will

try to put it on the February 15, 2007 meeting agenda.

Mr. Flaherty asked about the status of the state-sponsored public improvement project that included the widening of the bridge on Route 5. Mr. Phillips stated that the work was supposed to have been completed last spring, but last he heard, it is scheduled for this spring. Mr. Flaherty suggested that if the work was not necessary, as he remembers there was no consensus as to whether it was needed, perhaps it should not be done. Mr. Phillips stated that if the work is not completed, the weight limit for the bridge will be reduced. The bridge needs structural integrity, and without widening the bridge, no federal highway money will be available.

Mr. Flaherty also suggested applying for a state grant that would provide money for building sidewalks along Main Street. Mr. Phillips said he would look into this.

Dr. Benoit asked if there are any town ordinances that prevent a developer from clear-cutting their land before having an approved project. He suggested that if there is no ordinance in place, there should be one written. Mr. Phillips stated that there is no such ordinance, but other towns do have similar ordinances. He will research the ordinances of other towns. He also stated there are many soil erosion ordinances under review. The Town Council will be organizing an Ordinance Review Committee and asked the Board if they have any suggestions for people to be part of this committee,

please let him know. In the meantime, he will work on a draft of an ordinance addressing clear-cutting land and present it at the next meeting.

Mr. Cardello commented that New England Self Storage has been storing 3-4 U-Haul trucks in the front of the building and he believes this is against the approval given by the Zoning Board.

Mr. Cardello also asked about the status of the fence ordinance amendments. Mr. Phillips stated that he will be submitting suggestions on his behalf of the Planning Department and will convey to the Town Council that the Board's consensus is that the ordinance does not need to be amended.

Mr. Santa Anna made a motion to adjourn at 8:07 pm. Mr. Czyzewicz seconded the motion, with all in favor.

Respectfully submitted,

Angela Pugliese, Planning Board Secretary